

EXHIBIT 5

Melanie Hesano

From: Melanie Hesano
Sent: Monday, November 9, 2020 3:38 PM
To: Steve Drew; Kathryn Boyd; Adam Sturdivant; Carla Jo Compton; Robika Garner
Cc: Laura Amtsbuechler; Andrea M. Pike; Julie Doll
Subject: Heethuis v Muskegon County

Steve,

Pursuant to our third request for production of documents, will your client voluntarily produce her cell phone for an inspection? If so, please provide us with your availability. If she takes issue with the inspection, we will file a motion.

Melanie



Melanie Hesano
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Melanie Hesano

From: Melanie Hesano
Sent: Tuesday, November 24, 2020 10:19 AM
To: Steve Drew
Cc: Robika Garner; Kathryn Boyd; Andrea M. Pike; Laura Amtsbuechler; Julie Doll
Subject: RE: Heethuis Facebook

Steve:

It's been over 10 days since you reported you have downloaded your client's Facebook information. When can we expect production of her Facebook? Please refer to Laura's 11/10/2020 correspondence which narrows our request for your client's Facebook messages/posts.

Also, pursuant to our third request for production of documents, will your client voluntarily produce her cell phone for an inspection? If so, please provide us with your availability. If she takes issue with the inspection, we will file a motion. A response to the third request for production of documents is due on Friday.

Melanie

From: Steve Drew <sdrew@dca-lawyers.com>
Sent: Friday, November 13, 2020 12:26 PM
To: Laura Amtsbuechler <lamtsbuechler@rsjalaw.com>
Cc: Melanie Hesano <mhesano@rsjalaw.com>; Julie Doll <jdoll@rsjalaw.com>; Kathryn Boyd <kboyd@dca-lawyers.com>; Andrea M. Pike <apike@rsjalaw.com>
Subject: RE: Heethuis Facebook

Laura

We have just recently been able to download the Facebook information. It did not turn out to be relatively easy from our end. We expect to be able to review and provide responses to your requests below by the middle of next week.

Steve

Stephen R. Drew, Attorney
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From: Laura Amtsbuechler <lamtsbuechler@rsjalaw.com>

Sent: Tuesday, November 10, 2020 12:59 PM

To: Steve Drew <sdrew@dca-lawyers.com>

Cc: Melanie Hesano <mhesano@rsjalaw.com>; Julie Doll <jdoll@rsjalaw.com>; Kathryn Boyd <kboyd@dca-lawyers.com>; Andrea M. Pike <apike@rsjalaw.com>

Subject: Heethuis

Steve,

We are preparing to file a Motion to Compel your client's Facebook messages. Before doing so, I thought it best to try one more time to see if we can narrow the issues.

First, I will say that we believe the messages are relevant to your client's psychological/emotional state and alleged non-economic damages, her mental state and the decision to send her for a fitness for duty exam in late 2017, your client's retirement plans, her efforts to mitigate, and any discussion of events at Sheriff's Department. As you know, it is our position that your client's credibility is at issue and these message also relate to the truthfulness of her claims.

I ask that you stipulate to an order which requires that your client produce her Facebook content including messages and posting as follows:

2014 to present-anything related to Sheriff's Office and or events at work there.

2017 to present-anything related to your clients mental state, emotional distress, or psychological treatment.

2018 to present – anything related to retirement plans and search for other work.

2014 to present- all messages to or from co-workers at Sheriff's Office or other County employees.

We have provided instructions for downloading this content form Facebook. It is relatively easy. This request it proportionate and designed to obtain only relevant information.

We have agreed that the Facebook content will be under the Protective Order.

If we do not hear back from you, we will file the Motion this coming Monday.

Thanks,
Laura



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

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